

**House File 507 - Introduced**

HOUSE FILE 507

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HF 263)

**A BILL FOR**

1 An Act relating to the operation of all-terrain vehicles  
2 on highways upon registration with the department of  
3 transportation, providing a registration fee, and providing  
4 penalties.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.1, subsection 32, Code 2013, is  
2 amended to read as follows:

3 32. *“Implement of husbandry”* means a vehicle or special  
4 mobile equipment manufactured, designed, or reconstructed  
5 for agricultural purposes and, except for incidental uses,  
6 exclusively used in the conduct of agricultural operations.  
7 *“Implements of husbandry”* includes all-terrain vehicles operated  
8 in compliance with section 321.234A, subsection 1, paragraph  
9 *“a”*, but not registered for operation upon a highway pursuant  
10 to section 321.118, fence-line feeders, and vehicles used  
11 exclusively for the application of organic or inorganic plant  
12 food materials, organic agricultural limestone, or agricultural  
13 chemicals. To be considered an implement of husbandry, a  
14 self-propelled implement of husbandry must be operated at  
15 speeds of thirty-five miles per hour or less.

16 a. *“Reconstructed”* as used in this subsection means  
17 materially altered from the original construction by the  
18 removal, addition, or substitution of essential parts, new or  
19 used.

20 b. A vehicle covered under this subsection, if it otherwise  
21 qualifies, may be operated as special mobile equipment  
22 and under such circumstances this subsection shall not be  
23 applicable to such vehicle, and such vehicle shall not be  
24 required to comply with sections 321.384 through 321.423, when  
25 such vehicle is moved during daylight hours; however, the  
26 provisions of section 321.383 shall remain applicable to such  
27 vehicle.

28 Sec. 2. Section 321.1, subsection 47A, Code 2013, is amended  
29 to read as follows:

30 47A. *“Off-road utility vehicle”* means a motorized  
31 flotation-tire vehicle with not less than four and not more  
32 than eight low-pressure tires that is limited in engine  
33 displacement to less than one thousand five hundred cubic  
34 centimeters and in total dry weight to not more than ~~one~~ two  
35 thousand ~~eight hundred~~ pounds and that has a seat that is of

1 bucket or bench design, not intended to be straddled by the  
2 operator, and a steering wheel or control levers for control.  
3 "Off-road utility vehicle" does not include dune buggies, golf  
4 carts, go-carts, or minitrucks.

5 Sec. 3. Section 321.20, subsection 1, paragraphs d and e,  
6 Code 2013, are amended to read as follows:

7 *d.* A statement of the applicant's title and of all liens  
8 or encumbrances upon the vehicle and the names and mailing  
9 addresses of all persons having any interest in the vehicle and  
10 the nature of every such interest. When the application refers  
11 to a new vehicle, it shall be accompanied by a manufacturer's  
12 or importer's certificate duly assigned as provided in section  
13 321.45, or for an all-terrain vehicle, as provided in section  
14 321I.31.

15 *e.* The amount of the fee for new registration to be paid  
16 under section 321.105A if applicable, the amount of tax to be  
17 paid under section 423.26, subsection 1, or the amount of tax  
18 to be paid under section 423.26A.

19 Sec. 4. Section 321.20, subsection 1, Code 2013, is amended  
20 by adding the following new paragraph:

21 NEW PARAGRAPH. *g.* If the vehicle is an all-terrain vehicle,  
22 the certificate of title issued for the vehicle under section  
23 321I.31 may be accepted as proof of ownership for purposes of  
24 this subsection.

25 Sec. 5. Section 321.30, subsection 2, Code 2013, is amended  
26 by adding the following new paragraph:

27 NEW PARAGRAPH. *c.* Paragraph "a" does not apply to an  
28 all-terrain vehicle.

29 Sec. 6. Section 321.105A, subsection 2, paragraph c, Code  
30 2013, is amended by adding the following new subparagraph:

31 NEW SUBPARAGRAPH. (31) An all-terrain vehicle for which the  
32 applicant has paid the sales tax in this state or has paid to  
33 another state a state sales, use, or occupational tax.

34 Sec. 7. Section 321.109, subsection 1, paragraph a, Code  
35 2013, is amended to read as follows:

1     a. The annual fee for all motor vehicles including vehicles  
2 designated by manufacturers as station wagons, 1993 and  
3 subsequent model year multipurpose vehicles, and 2010 and  
4 subsequent model year motor trucks with an unladen weight of  
5 ten thousand pounds or less, except motor trucks registered  
6 under section 321.122, business-trade trucks, special trucks,  
7 motor homes, ambulances, hearses, all-terrain vehicles,  
8 motorcycles, motorized bicycles, and 1992 and older model year  
9 multipurpose vehicles, shall be equal to one percent of the  
10 value as fixed by the department plus forty cents for each one  
11 hundred pounds or fraction thereof of weight of vehicle, as  
12 fixed by the department. The weight of a motor vehicle, fixed  
13 by the department for registration purposes, shall include  
14 the weight of a battery, heater, bumpers, spare tire, and  
15 wheel. Provided, however, that for any new vehicle purchased  
16 in this state by a nonresident for removal to the nonresident's  
17 state of residence the purchaser may make application to the  
18 county treasurer in the county of purchase for a transit plate  
19 for which a fee of ten dollars shall be paid. And provided,  
20 however, that for any used vehicle held by a registered dealer  
21 and not currently registered in this state, or for any vehicle  
22 held by an individual and currently registered in this state,  
23 when purchased in this state by a nonresident for removal to  
24 the nonresident's state of residence, the purchaser may make  
25 application to the county treasurer in the county of purchase  
26 for a transit plate for which a fee of three dollars shall  
27 be paid. The county treasurer shall issue a nontransferable  
28 certificate of registration for which no refund shall be  
29 allowed; and the transit plates shall be void thirty days  
30 after issuance. Such purchaser may apply for a certificate  
31 of title by surrendering the manufacturer's or importer's  
32 certificate or certificate of title, duly assigned as provided  
33 in this chapter. In this event, the treasurer in the county  
34 of purchase shall, when satisfied with the genuineness and  
35 regularity of the application, and upon payment of a fee of

1 twenty dollars, issue a certificate of title in the name and  
2 address of the nonresident purchaser delivering the title  
3 to the owner. If there is a security interest noted on the  
4 title, the county treasurer shall mail to the secured party an  
5 acknowledgment of the notation of the security interest. The  
6 county treasurer shall not release a security interest that  
7 has been noted on a title issued to a nonresident purchaser  
8 as provided in this paragraph. The application requirements  
9 of section 321.20 apply to a title issued as provided in this  
10 subsection, except that a natural person who applies for a  
11 certificate of title shall provide either the person's social  
12 security number, passport number, or driver's license number,  
13 whether the license was issued by this state, another state, or  
14 another country. The provisions of this subsection relating to  
15 multipurpose vehicles are effective for all 1993 and subsequent  
16 model years. The annual registration fee for multipurpose  
17 vehicles that are 1992 model years and older shall be in  
18 accordance with section 321.124.

19 Sec. 8. NEW SECTION. 321.118 All-terrain vehicles.

20 An all-terrain vehicle designed to travel on four or  
21 more wheels may be titled and registered under this chapter  
22 for operation on secondary roads and on city streets where  
23 authorized, as provided in this chapter, for an annual fee of  
24 fifty dollars. Registration under this section is in addition  
25 to the requirements of chapter 321I.

26 Sec. 9. Section 321.166, subsection 1, paragraph a, Code  
27 2013, is amended to read as follows:

28 a. Registration plates shall be of metal and of a size not  
29 to exceed six inches by twelve inches, except that the size  
30 of plates issued for use on all-terrain vehicles, motorized  
31 bicycles, motorcycles, motorcycle trailers, and trailers  
32 with an empty weight of two thousand pounds or less shall be  
33 established by the department.

34 Sec. 10. Section 321.166, subsection 4, Code 2013, is  
35 amended to read as follows:

1 4. The registration plate number, except on all-terrain  
2 vehicles, motorized bicycles, motorcycles, motorcycle trailers,  
3 and trailers with an empty weight of two thousand pounds  
4 or less, shall be of sufficient size to be readable from a  
5 distance of one hundred feet during daylight.

6 Sec. 11. Section 321.234A, subsection 1, paragraph f, Code  
7 2013, is amended by striking the paragraph.

8 Sec. 12. Section 321.234A, Code 2013, is amended by adding  
9 the following new subsection:

10 NEW SUBSECTION. 5. The provisions of this section do  
11 not apply to an all-terrain vehicle registered under section  
12 321.118 and operated on a highway in accordance with section  
13 321.234B.

14 Sec. 13. NEW SECTION. **321.234B Registered all-terrain**  
15 **vehicles — operation on highways.**

16 An all-terrain vehicle which is registered pursuant to  
17 section 321.118 may be operated on a highway subject to all of  
18 the following:

19 1. *Persons who may operate.* A person shall not operate an  
20 all-terrain vehicle on a highway unless the person is sixteen  
21 years of age or older and has a valid driver's license other  
22 than a license valid only for operation of a motorized bicycle.

23 2. *Operation on certain highways only.* All-terrain vehicles  
24 registered under section 321.118 may be operated on secondary  
25 roads, but shall not be operated on primary highways or on  
26 highways within the corporate limits of a city except as  
27 follows:

28 a. A person shall not operate an all-terrain vehicle  
29 registered under section 321.118 on a primary highway except  
30 to cross a primary highway; however, the provisions of section  
31 321.10 govern the crossing of a primary highway when the  
32 all-terrain vehicle is being operated on an all-terrain vehicle  
33 trail.

34 b. A person shall not operate an all-terrain vehicle  
35 registered under section 321.118 on a highway within the

1 corporate limits of a city except on a nonprimary highway where  
2 such operation is authorized by ordinance pursuant to section  
3 321.236, subsection 14A.

4 3. *Motor vehicle laws applicable.* The motor vehicle  
5 laws, including but not limited to the provisions of sections  
6 321.20B, 321.285, 321.317, 321.385, and 321.387, apply to the  
7 operation of all-terrain vehicles registered for operation on  
8 highways, except for those provisions relating to required  
9 equipment which by their nature can have no practical  
10 application.

11 4. *Penalties.* A person convicted of a violation of  
12 subsection 1 or 2 is guilty of a simple misdemeanor punishable  
13 as a scheduled violation under section 805.8A, subsection 6.

14 Sec. 14. Section 321.236, Code 2013, is amended by adding  
15 the following new subsection:

16 NEW SUBSECTION. 14A. Authorizing the operation of  
17 all-terrain vehicles registered under section 321.118 on  
18 highways under the jurisdiction of a city, other than municipal  
19 extensions of primary highways.

20 Sec. 15. Section 321.285, Code 2013, is amended by adding  
21 the following new subsection:

22 NEW SUBSECTION. 6A. Notwithstanding any other speed  
23 restrictions allowing for speed in excess of forty-five miles  
24 per hour, a person shall not operate an all-terrain vehicle on  
25 a highway at a speed in excess of forty-five miles per hour.

26 Sec. 16. Section 321I.1, subsection 17, paragraph b, Code  
27 2013, is amended to read as follows:

28 *b.* The operator of an off-road utility vehicle is subject  
29 to provisions governing the operation of all-terrain vehicles  
30 in section 321.234A, this chapter, and administrative rules,  
31 but is exempt from the education instruction and certification  
32 program requirements of sections 321I.25 and 321I.26. An  
33 operator of an off-road utility vehicle shall not operate the  
34 vehicle on a designated riding area or designated riding trail  
35 unless the department has posted signage indicating the riding

1 area or trail is open to the operation of off-road utility  
2 vehicles. Off-road utility vehicles are subject to the dealer  
3 registration and titling requirements of this chapter. A  
4 motorized vehicle that was previously titled or is currently  
5 titled under chapter 321, except section 321.118, shall not be  
6 registered or operated as an off-road utility vehicle under  
7 this chapter.

8 Sec. 17. Section 321I.9, unnumbered paragraph 1, Code 2013,  
9 is amended to read as follows:

10 Registration under this chapter shall not be required for  
11 the following described all-terrain vehicles:

12 Sec. 18. Section 321I.10, subsection 1, Code 2013, is  
13 amended to read as follows:

14 1. A person shall not operate an all-terrain vehicle or  
15 off-road utility vehicle upon roadways or highways except as  
16 provided in ~~section~~ sections 321.234A and 321.234B and this  
17 section.

18 Sec. 19. Section 321I.10, subsections 2 and 3, Code 2013,  
19 are amended by striking the subsections.

20 Sec. 20. Section 321I.31, subsections 1 and 7, Code 2013,  
21 are amended to read as follows:

22 1. The owner of an all-terrain vehicle acquired on or  
23 after January 1, 2000, other than an all-terrain vehicle used  
24 exclusively as a farm implement, ~~or~~ a motorcycle previously  
25 issued a title pursuant to chapter 321 or an all-terrain  
26 vehicle issued a certificate of title under section 321.20 and  
27 registered in accordance with section 321.118, shall apply to  
28 the county recorder of the county in which the owner resides  
29 for a certificate of title for the all-terrain vehicle. The  
30 owner of an all-terrain vehicle used exclusively as a farm  
31 implement may obtain a certificate of title. A person who  
32 owns an all-terrain vehicle that is not required to have a  
33 certificate of title may apply for and receive a certificate  
34 of title for the all-terrain vehicle and, subsequently, the  
35 all-terrain vehicle shall be subject to the requirements of

1 this chapter as if the all-terrain vehicle were required to be  
2 titled. All all-terrain vehicles that are titled under this  
3 chapter shall be registered under this chapter. An all-terrain  
4 vehicle that is titled under section 321.20 and registered  
5 under section 321.118, shall also be registered under this  
6 chapter.

7 7. The county recorder shall maintain a record of any  
8 certificate of title which the county recorder issues and shall  
9 keep each certificate of title on record until the certificate  
10 of title has been inactive for five years. When issuing a  
11 title for a new all-terrain vehicle, the county recorder shall  
12 obtain and keep on file a copy of the certificate of origin.  
13 When issuing a title and registration for a used all-terrain  
14 vehicle for which there is no title or registration, the  
15 county recorder shall obtain and keep on file the affidavit  
16 for the unregistered and untitled all-terrain vehicle. When  
17 registering an all-terrain vehicle issued a certificate of  
18 title under section 321.20 and registered in accordance with  
19 section 321.118, the county recorder shall maintain a record  
20 of the certificate of title issued by a county recorder under  
21 section 321.20.

22 Sec. 21. Section 331.362, subsection 9, Code 2013, is  
23 amended to read as follows:

24 9. A county may regulate traffic on and use of the secondary  
25 roads, in accordance with sections 321.236 to 321.250, 321.254,  
26 321.255, 321.285, subsection 4, sections 321.352, 321.471 to  
27 321.473, and other applicable provisions of chapter 321, and  
28 sections 321G.9, ~~321H.10~~, and 327G.15.

29 Sec. 22. Section 423.1, subsection 66, Code 2013, is amended  
30 to read as follows:

31 66. "*Vehicles subject to registration*" means any vehicle  
32 subject to registration pursuant to section 321.18, other than  
33 an all-terrain vehicle or off-road utility vehicle registered  
34 pursuant to section 321.118.

35 Sec. 23. Section 805.8A, subsection 6, Code 2013, is amended

1 by adding the following new paragraph:

2 NEW PARAGRAPH. *0a.* Section 321.234B, subsection 1  
3 or 2.....\$50.

4 EXPLANATION

5 This bill provides for the registration of all-terrain  
6 vehicles for operation on certain Iowa roads.

7 Code section 321.1 defines "all-terrain vehicle" as a motor  
8 vehicle designed to travel on three or more wheels and designed  
9 primarily for off-road recreational use. The definition  
10 includes off-road utility vehicles, but excludes farm tractors  
11 or equipment, construction equipment, forestry vehicles,  
12 and lawn and grounds maintenance vehicles. Currently, the  
13 department of natural resources regulates all-terrain vehicles  
14 for purposes of off-road recreational use. All-terrain  
15 vehicles are not permitted on Iowa roads, except under limited  
16 circumstances.

17 Under the bill, the owner of an all-terrain vehicle designed  
18 to travel on four or more wheels may register the vehicle with  
19 the department of transportation by applying for a certificate  
20 of title and registration from the county treasurer. The  
21 annual registration fee is \$50. The size of license plates  
22 to be issued for all-terrain vehicles will be determined  
23 by the department of transportation. Because all-terrain  
24 vehicles are currently subject to sales tax, the bill provides  
25 that all-terrain vehicles are exempt from the fee for new  
26 registration imposed on vehicles subject to registration,  
27 so long as the owner has paid the Iowa sales tax or the  
28 appropriate tax in another state at the time of purchase.  
29 Registration with the department of transportation does not  
30 exempt the owner from the current requirement to register the  
31 all-terrain vehicle with the department of natural resources,  
32 but if the owner obtains a certificate of title from the  
33 department of transportation, the owner does not have to repeat  
34 that process when registering the vehicle with the department  
35 of natural resources. The owner may submit the certificate

1 of title issued for the vehicle by the department of natural  
2 resources as proof of ownership when registering an all-terrain  
3 vehicle with the department of transportation. Under the  
4 bill, a manufacturer's label certifying that the vehicle meets  
5 federal motor vehicle safety standards is not required for  
6 registration of an all-terrain vehicle.

7 The bill provides that an all-terrain vehicle registered  
8 with the department of transportation may be operated on  
9 secondary roads, but not on primary highways, except to  
10 cross over a primary highway, and not on highways within the  
11 corporate limits of a city except where all-terrain vehicles  
12 are permitted by ordinance. Under the bill, a city may  
13 authorize the operation of all-terrain vehicles registered  
14 with the department of transportation on highways under the  
15 city's jurisdiction other than municipal extensions of primary  
16 highways. The bill strikes current provisions in Code chapter  
17 321I that allow cities and counties to designate roads under  
18 their jurisdiction for the operation of all-terrain vehicles  
19 registered with the department of natural resources.

20 The bill states that a person who operates an all-terrain  
21 vehicle on a highway must be at least 16 years of age and have  
22 a valid driver's license other than a license valid only for  
23 the operation of a motorized bicycle. Iowa motor vehicle laws  
24 apply to the operation of all-terrain vehicles on highways  
25 except those equipment provisions which by their nature can  
26 have no practical application. The bill specifies that the  
27 operator of an all-terrain vehicle must carry proof of motor  
28 vehicle financial liability coverage, and the all-terrain  
29 vehicle must meet requirements for headlamps, rear lamps,  
30 and turn signals. Current speed limits apply to all-terrain  
31 vehicles operated on a highway, except that an all-terrain  
32 vehicle may not be operated at a speed exceeding 45 miles per  
33 hour.

34 The bill amends the definition of "motor vehicles subject to  
35 registration" for purposes of the exemption from the sales and

1 use tax, to exclude all-terrain vehicles and off-road utility  
2 vehicles registered for operation on highways, in order to  
3 continue the applicability of the sales tax to those vehicles.

4 Under current law, a person who operates an all-terrain  
5 vehicle on a highway in violation of current restrictions  
6 commits a simple misdemeanor punishable by a scheduled fine  
7 of \$50. The bill establishes the same penalty for a person  
8 who operates a registered all-terrain vehicle in violation of  
9 minimum age and licensing requirements or on a highway where  
10 all-terrain vehicle operation is not authorized.

11 The bill makes conforming amendments to Code chapter 321I,  
12 relating to the regulation of all-terrain vehicles by the  
13 department of natural resources.